

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANNE DE LACOUR, ANDREA WRIGHT,  
and LOREE MORAN individually and on  
behalf of all others similarly situated,

Plaintiffs,

-against-

COLGATE-PALMOLIVE CO., and  
TOM'S OF MAINE INC.,

Defendants.

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KIMBA M. WOOD, United States District Judge:

Defendants' request to file under seal certain portions of documents and exhibits submitted in connection with their motions for summary judgment and reply memorandum in support of their motion for class decertification, to which Plaintiffs do not object, is hereby GRANTED. (*See* ECF No. 226.)

The Court grants this request after considering the three-part test provided in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). Specifically, the Court must: (1) determine whether the documents at issue are "judicial documents," (2) assess the weight of the common law presumption of access to the materials, and (3) balance competing considerations against the presumption of access. *Lugosch*, 435 F.3d at 119–20.

Having reviewed the proposed redactions, the Court finds that the requests are narrowly tailored to protect proprietary business information, such as confidential sales data, financial data, and competitively sensitive market and consumer research. *See, e.g., Playtex Products, LLC v. Munchkin, Inc.*, No. 14-CV-1308, 2016 WL 1276450, at \*11 (S.D.N.Y. Mar. 29, 2016) (Sullivan, J.). Accordingly, the Court concludes that the sensitivity of this information

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outweighs the presumption of access as stated in *Lugosch*.

The Court may reconsider its sealing determinations at any time, on notice to the parties, with respect to any and all sealed or redacted portions of both Plaintiffs' and Defendants' materials.

The Clerk is respectfully directed to close the pending motion at ECF No. 226.

SO ORDERED.

Dated: New York, New York  
November 30, 2022

/s/ Kimba M. Wood  
KIMBA M. WOOD  
United States District Judge